

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 307.12 and 307A.2, the Iowa Department of Transportation hereby gives Notice of Intended Action to amend Chapter 400, “Vehicle Registration and Certificate of Title,” and Chapter 410, “Special Mobile Equipment,” Iowa Administrative Code.

The proposed amendment to subrule 400.58(1) corrects the maximum speed of a motorized bicycle from 30 miles per hour to 39 miles per hour. The change conforms with the speed limit included in the definition of “motorized bicycle” in Iowa Code section 321.1(40)“b.”

The proposed amendments to Chapter 410 correct the name of the Office of Vehicle and Motor Carrier Services and remove the word “Supplement” from citations to Iowa Code section 321E.12.

These amendments do not provide for waivers. Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Any person or agency may submit written comments concerning these proposed amendments or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to Tracy George, Rules Administrator, Iowa Department of Transportation, Operations and Finance Division, 800 Lincoln Way, Ames, Iowa 50010; e-mail: tracy.george@dot.iowa.gov.
5. Be received by the Department’s rules administrator no later than November 15, 2016.

A meeting to hear requested oral presentations is scheduled for Thursday, November 17, 2016, at 1 p.m. at the Iowa Department of Transportation’s Motor Vehicle Division offices located at 6310 SE Convenience Boulevard, Ankeny, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 321.1 and 321E.12.

The following amendments are proposed.

ITEM 1. Amend subrule 400.58(1) as follows:

400.58(1) Maximum speed. If the department has reasonable cause to believe that a particular vehicle or model is capable of speeds exceeding ~~30~~ 39 miles per hour, the department may conduct independent tests to determine the maximum speed of the vehicle or model. If the department determines that the maximum speed of the particular vehicle or model exceeds ~~30~~ 39 miles per hour, the vehicle or model shall not be registered as a motorized bicycle.

ITEM 2. Amend subrule 410.1(3) as follows:

410.1(3) Questions regarding special mobile equipment may be directed by mail to the Office of Vehicle and Motor Carrier Services, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; or by telephone at (515)237-3264.

ITEM 3. Amend rule 761—410.2(321E), introductory paragraph, as follows:

761—410.2(321E) Special mobile equipment transported on a registered vehicle. The movement of special mobile equipment or component parts of special mobile equipment transported on a vehicle registered for the gross weight of the vehicle without load, as provided in Iowa Code Supplement section 321E.12, is subject to the following:

ITEM 4. Amend rule **761—410.2(321E)**, implementation sentence, as follows:
This rule is intended to implement Iowa Code Supplement section 321E.12.